

REMARKS

In the Office Action mailed October 4, 2003, the Examiner noted that claims 1-13 were pending and rejected all claims. Claims 1 and 7-13 have been amended, and, thus, in view of the forgoing claims 1-13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections, objections and requirements are traversed below.

In the Action, the Examiner objected to the drawings and the objection and requirement for correction have been addressed in a concurrently filed Letter To The Examiner requesting withdrawal of the objection and requirement. Withdrawal of the objection and requirement is requested.

In the Action the Examiner provided comments regarding the Specification and objected to the Abstract. The Abstract has been amended in consideration of the Examiners comments and the specification has been reviewed as requested.

On pages 2 and 3 the Examiner rejected claims 1-13 as directed to non-statutory subject matter. The claims emphasize a practical application (associating a purchaser with a literary work) and a useful results (sending the associating information our a network). The claims have been amended to address this rejection and withdrawal is requested.

On page 4 of the Office Action the Examiner rejected claim 1-13 under 35 U.S.C. § 102(e) as anticipated by Cooper.

This rejection is respectfully traversed as it is submitted that Cooper is not prior art to the present application. The Cooper application has a filing date of February 20, 2001 which is after the effective filing date (October 6, 2000) of the present application. Thus, the Cooper application does not appear to be prior art to the above-identified application. Cooper does request priority back to possibly effective filing dates (and possibly effective prior art dates) ranging from February 18, 2000 to November 30, 2000. February 20, 2001 is over one year after the February 18, 2000 filing date and thus does not satisfy the requirement for to obtain priority. Thus, it appears that the teachings of the corresponding February 18, 2000 application cannot be used against the present application as it was apparently abandoned and did not issue as required by 35 USC 102(e). Further the Cooper "priority" application having a filing date of November 30, 2000 does not appear to be effective as prior art as the present application has a priority date of October 6, 2000, before the November 30, 2000 date. Further, the Examiner has not established that the series of applications to which Cooper claims priority teach what is relied upon within the Cooper application to allegedly anticipate the present invention. The

Examiner is requested to establish the effective prior art date of the teachings of the Cooper application relied upon by the Examiner. For this reason the rejection is traversed and withdrawal of the rejection is requested.

The present invention associates information about a purchaser with a literary work that has been sold. In the Office Action the Examiner appears to rely on paragraph 163 of Cooper to allegedly teach this feature. Paragraph 163 and the prior paragraph, 162, that places paragraph 163 into context particularly state:

[0162] It is contemplated by this application that in the future devices such as CD players, DVD players, MP3 players, other music players, and other consumer electronic devices may already have digital certificates built-in from the factory. In this case, either the information embedded within the digital certificate or a copy of the digital certificate must be transmitted to the Certification Authority 260 by the Authenticate User and Get Digital Certificate step 320. Once the Certification Authority 260 receives this digital certificate information for this device, the streams of encrypted and watermarked data may then commence.

[0163] In one embodiment, the Authenticate User and Get Digital Certificate step 320 will capture such a unique device number and use it to further identify the user device 115 on the network. After capturing this unique device identifier, the system may save this identifier to one or more database fields that are associated with the digital certificate. The Authenticate User and Get Digital Certificate step 320 can use the user's digital certificate plus this unique device ID number to further authenticate both the device on the network and the end user who has access to this device.

(Cooper paragraphs 162 & 163)

As can be seen from the above discussion, Cooper associates an identity to a particular device not to a purchaser. The present invention of claim 1 emphasizes that a "purchaser device" is used by a "purchaser" to buy the literary work and it is information about the purchaser that is associated ("associating") with the literary work and provided over a network. It is submitted that Cooper does not teach or suggest such a system. Claims 7 - 13 also emphasize the distinction between hardware and the purchaser that is associated with the sold literary work.

Claim 7 also emphasizes authentication of the purchaser by publication over the network, something also not taught or suggested by Cooper.

It is submitted that the present claimed invention patentably distinguishes over Cooper for these additional reasons and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 3 emphasizes that purchaser information is associated by unit sold. Cooper is limited to device ID and thus does not address a purchaser associated with units of a literary work sold. It is submitted that

the dependent claims are independently patentable over the prior art.


It is submitted that the claims satisfy the requirements of 35 U.S.C. 101. It is also submitted that the specification, abstract and drawings satisfy the requirements of the rules. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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